



To: All Headteachers

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Ask For: Matt Dunkley  
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Dear Colleague

During recent KAH Area Task Group meetings the issue of cancelled residential trips and visits has arisen, with many schools frustrated that they cannot obtain refunds for trips cancelled due to the COVID-19 crisis. This is a complicated issue with both the needs of the schools and the suppliers to be considered and so hopefully the following will clarify the situation for you.

In a number of cases schools are being advised that they can rebook for a later date as travel at the current time is not possible. This is key, as whoever 'cancels' then assumes liability and will have to pay. However, when this situation arises, schools are often saying that they cannot rebook due to ongoing uncertainties and the providers are then retaining the fees already paid.

We are aware that where schools feel they are not able to rebook, many providers are advising that schools look to claim for this from their own insurance provider, as the failure to travel is from Government restrictions not the provider. However, at this stage it is evident that many insurers are refusing to meet the majority of claims as they feel it is the responsibility of the provider to issue refunds. KCC's insurers are currently taking this approach and advising that schools should exhaust all other avenues through the Package Travel and Linked Travel Regulations 2018 (which includes referring the case to ABTA) to try to secure a refund.

The legal arguments over the booking T&Cs, travel operator bonding and Package Travel Regulations (ABTA, ABTOT, etc) are being discussed and explored, along with a 'frustrations of contract' argument that existing T&C's are no longer applicable as the current situation and circumstances are so different from the one that the contract was signed under.

There is unfortunately no clear picture currently and no helpful Government guidance other than a general statement by the Secretary of State for Transport that travel providers should refund customers. I am aware that the DfE and DCMS are in discussion nationally with Outdoor Education Advisors, outdoor providers and industry bodies and we await further information.

As it stands, if you are faced with the situation I have already described, I can only advise you to follow the guidance from your own insurer. However, should no refund or compensation from another source be forthcoming, then schools will need to decide whether they absorb the costs or transfer the deposit to a new trip for a different cohort of pupils.

Some weeks ago, I advised schools of the COVID-19 testing processes for Kent. At that time, we explained a different testing regime being employed within the East Kent CCG area. However, we have recently been sent the following update to be shared with schools:

*Due to the increasing demands for patient testing, hospital sites within East Kent are no longer able to offer COVID-19 tests to KCC key workers including teachers. Any school based staff should now access the national service for testing and not the local NHS sites. Tests can be booked by following the link below.*

<https://www.gov.uk/apply-coronavirus-test-essential-workers>

As we approach the end of the academic year, I know many schools are concerned about what requirements may be placed on them to provide some form of provision throughout the summer holidays. As you are aware, we are looking into options for holiday activities that will hopefully remove the focus from schools to make all provision. Today we received an update from the DfE that they are hoping to issue their guidance on Summer activities this week, but we can rule out that there will not be anything mandatory. As soon as further guidance becomes available, I will of course ensure you are made aware of it.

In respect of Free School Meal provision over the summer holiday period the Prime Minister has this afternoon confirmed that vouchers will be provided to families. There is no detail as to how this will be done, for example extending the existing national scheme, but that will doubtless be clarified in the next few days.

Finally, I understand many of you are eager to know the position concerning the Kent Test. Officers within Fair Access have made contact with Primary, Junior and Secondary schools to seek views on how Covid-19 could affect the Kent Test this year. Your replies will form an important part of the final decision made by the Cabinet Member for Education and Skills, so please find the time to respond to this if you have not done so already. If you have not yet received your questionnaire, please contact [kent.admissions@kent.gov.uk](mailto:kent.admissions@kent.gov.uk) for more information.

While a final decision will only be made once all key parties have provided feedback, we will shortly be in a position to share more detailed proposals on the how the Kent Test could be delivered. To ensure you have time to prepare for any enquiries you may receive, Fair Access will contact you before any public announcement is made. This will include guidance on where parents can be directed for further information.

Yours sincerely



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